IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Bail Appl..No. 4388 of 2007()

CRIME NO.441/07 OF THE KASARAGOD POLICE STATION.

PETITIONER/ACCUSED

RAVIRAJ POOJARY, AGED 28,
S/O.NARAYANA POOJARY, GUTHU HOUSE,
ADKATHBAIL, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY INSPECTOR
OF POLICE, KASARAGOD POLICE STATION.
REP. BY THE PUBLIC PROSECUTOR,
ERNAKULAM.

BY P.P. SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/07/2007, ALONG WITH BA NO. 4390 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. Nos. 4388 & 4390 OF 2007

Dated this the 25th day of July, 2007

ORDER

These applications by the common petitioner are for anticipatory bail. Crimes have been registered on the basis of private complaints filed before the learned Magistrate and referred by the learned Magistrate to the police under Sec. 156(3) of the Cr.P.C. Allegations under Sec.420 of the IPC are raised.

2. What precisely is the allegation against the petitioner? The learned Public Prosecutor submits that the precise allegation raised in the complaints is that the petitioner herein is the collection agent of 'Vairajathhan Kuri'. In such capacity, he had canvassed persons to enrol as subscribers to the kuri. He had collected amounts from such subscribers. The company which was running the kuri is not making the payment of amounts due to the subscribers. The de facto

complainants in these cases are aggrieved by such conduct of the company not paying them the amounts which are due to them. The petitioner is sought to be made liable on the allegation that he was the collection agent who canvassed enrolment of subscribers to the kuri and received amounts from the subscribers.

3. The learned counsel for the petitioner submits that the petitioner does not, in these circumstances, deserve to suffer the unjustified trauma of arrest and detention pending investigation. Subject to appropriate conditions, anticipatory bail may be granted to the petitioner, it is submitted.

4. The learned Public Prosecutor does not oppose the applications; but only submits that appropriate conditions may be imposed in the interests of a fair, efficient and expeditious investigation. It is unnecessary to advert to the facts in any greater detail. I am satisfied that the petitioner can be granted anticipatory bail.

5. In the result, these petitions are allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 1/8/07. He shall be released on regular bail on his executing bonds for Rs.25,000/-

in each case with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 2/8/07 and 3/8/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 1/8/07 as directed in clause (i) above, he shall be released on his executing bonds for Rs.25,000/- in each case without any sureties undertaking to appear before the learned Magistrate on 1/8/07.

Sd/-
(R. BASANT, JUDGE)

Nan/ //true copy// P.S. To Judge